

United States District Court
District of Massachusetts

UNITED STATES FIDELITY AND
GUARANTY COMPANY,

Plaintiff,

v.

PAUL A. BORDIERI and ANDREA J.
COSTA, Trustees of JACKSON
CONSTRUCTION COMPANY, a
Massachusetts Business Trust,
PAUL A. BORDIERI, Individually,

Defendants,

and

SOVEREIGN BANK, NA, APPLETON
PARTNERS, INC. and CAMBRIDGE
APPLETON TRUST, NA,

Trustee Process
Defendants.

Civil Action No.
05-11397-NMG

SEALED

DOCKETED

ORDER AUTHORIZING THE ISSUANCE
OF ATTACHMENT BY TRUSTEE PROCESS

GORTON, J.

Upon consideration of plaintiff's ex parte motion for attachment by trustee process, the memorandum and affidavit in support thereof, this Court finds that the plaintiff is likely to recover judgment, including costs and interest, in an amount equal to or greater than the amount of trustee process approved herein. The Court also finds that it is unlikely that the


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defendants have any insurance available to satisfy a judgment against them in this case. Finally, the Court finds that an ex parte order of attachment by trustee process in accordance with Mass.R.Civ.P. 4.2(g) is appropriate because there is a clear danger that, if notified of these proceedings, the defendants will conceal the subject assets or withdraw them from the control of the trustee.

Accordingly, it is hereby, **ORDERED**, that the Clerk of Court shall issue forthwith process for attachment of the following in the form annexed hereto authorizing attachment by trustee process:

- 1) the accounts, funds or other intangible assets of Paul A. Bordieri held by the Trustee Process Defendants, up to the amount of \$1,984,143.64, subject to all applicable exemptions and limitations provided by law; and
- 2) the accounts, funds or other intangible assets of Jackson Construction Company held by the Trustee Process Defendants, up to the amount of \$3,492.778.00, subject to all applicable exemptions and limitations provided by law.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated July 7, 2005